

Message Text

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C O N F I D E N T I A L STATE 141671

E.O. 11652: GDS

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SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLAN

1. EMBASSY IS REQUESTED TO REVIEW FOLLOWING DRAFT COUNTRY ACTION PLAN AND CABLE CONCURRENCE AND/OR COMMENTS TO EUR/CE BY COB JUNE 27. PLEASE SLUG FOR EUR DISTRIBUTION ONLY. PAPER IS FOR USE WITHIN USG.

2. BEGIN TEXT:

A. CONDITION OF HUMAN RIGHTS IN AUSTRIA

(1) AUSTRIA, A NEUTRAL AND WESTERN-ORIENTED COUNTRY, ATTACHES VITAL IMPORTANCE TO HUMAN RIGHTS. IT IS A PARLIAMENTARY, CONSTITUTIONAL DEMOCRACY. LEGISLATIVE POWER IS VESTED IN A BICAMERAL LEGISLATURE ELECTED BY UNIVERSAL SUFFRAGE; THE EXECUTIVE IS CHOSEN BY AND RESPONSIBLE TO THE PARLIAMENT, AND THE JUDICIARY IS INDEPENDENT. THE AUSTRIAN CONSTITUTION AND THE AUSTRIAN STATE TREATY OF
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1955 DEFINE AND GUARANTEE BASIC HUMAN RIGHTS CONCERNING THE INTEGRITY OF THE PERSON AND CIVIL AND POLITICAL LIBERTIES. AUSTRIA'S RECORD SINCE REGAINING SOVEREIGNTY IN 1955 HAS BEEN EXEMPLARY. THERE IS VERY LITTLE IF ANY EVIDENCE OF

TORTURE, CRUEL, INHUMAN OR DEGRADING PUNISHMENT, ARBITRARY ARREST OR IMPRISONMENT, DENIAL OF FAIR PUBLIC TRIAL, OR

INVASION OF THE HOME.

(2) THERE ARE NO RESTRICTIONS ON POLITICAL OR RELIGIOUS EXPRESSION OR ASSOCIATION EXCEPT THOSE PLACED ON GROUPS CONSIDERED A POTENTIAL THREAT TO THE REPUBLIC. THERE IS FREEDOM OF MOVEMENT WITHIN AND FROM THE COUNTRY.

(3) THE AUSTRIAN STATE TREATY GUARANTEES EQUAL TREATMENT OF THE SLOVENE AND CROAT MINORITY GROUPS IN AUSTRIA AND INTER ALIA GRANTS THEM THE RIGHT TO CERTAIN SEPARATE EDUCATIONAL FACILITIES, THE USE OF THEIR OWN LANGUAGE IN THE COURTS AND ADMINISTRATIVE SYSTEM, AND BILINGUAL ROAD SIGNS. INTERPRETATION AND IMPLEMENTATION OF THESE RIGHTS HAS BEEN A SUBJECT OF CONTROVERSY FOR MANY YEARS AMONG THE AUSTRIAN ETHNIC GROUPS CONCERNED AND BETWEEN THE GOVERNMENTS OF AUSTRIA AND YUGOSLAVIA. THE AUSTRIAN GOVERNMENT HAS RECENTLY ENACTED AND STARTED TO IMPLEMENT LEGISLATION WHICH IT HOPES WILL FULFILL AUSTRIA'S OBLIGATIONS UNDER THE STATE TREATY AND WILL BE SATISFACTORY TO THE GROUPS DIRECTLY CONCERNED.

(4) AUSTRIA HAS A HIGHLY DEVELOPED SOCIAL WELFARE SYSTEM, AND THE DISTRIBUTION OF WEALTH IS MORE EQUITABLE THAN IN MOST COUNTRIES. GOVERNMENT, LABOR, AND MANAGEMENT COOPERATE WELL IN A SO-CALLED "SOCIAL PARTNERSHIP" WHICH HAS BEEN EFFECTIVE IN AVOIDING SERIOUS LABOR-MANAGEMENT DISPUTES. AUSTRIA'S SOCIALIST GOVERNMENT PLACES HEAVY EMPHASIS ON MAINTAINING AND IMPROVING HEALTH, EDUCATION AND SOCIAL SERVICES. THERE IS RELATIVELY LITTLE
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CORRUPTION IN THE AUSTRIAN CIVIL SERVICE.

(5) THE AUSTRIAN GOVERNMENT, LED BY CHANCELLOR KREISKY, FIRMLY SUPPORTS THE PROTECTION OF HUMAN RIGHTS WITHIN AUSTRIA AND OUTSPOKENLY ADVOCATES PROMOTION OF HUMAN RIGHTS THROUGHOUT THE WORLD. AUSTRIA IS WELL KNOWN FOR ITS ASSISTANCE TO REFUGEES FROM OTHER COUNTRIES, MANY OF WHOM HAVE SETTLED IN AUSTRIA, AND FOR ITS IMPORTANT ROLE IN FACILITATING TRANSIT OF JEWISH EMIGRANTS FROM THE SOVIET UNION.

(6) THERE HAS BEEN NO NEED DURING THE POSTWAR PERIOD FOR ANY OUTSIDE INVESTIGATIONS OF AUSTRIA'S HUMAN RIGHTS RECORD.

B. ANALYSIS AND RECOMMENDATIONS

(1) THERE IS NO NEED FOR US INITIATIVES DESIGNED TO IMPROVE CONDITIONS IN AUSTRIA. GIVEN THE BASICALLY EXEMPLARY

AUSTRIAN RECORD, SUCH INITIATIVES WOULD BE MISUNDERSTOOD AND RESENTED BY AUSTRIAN OFFICIALS. THE UNITED STATES, AS A SIGNATORY TO THE AUSTRIAN STATE TREATY, FOLLOWS CLOSELY EFFORTS TO RESOLVE THE CONTROVERSY CONCERNING THE RIGHTS OF THE SLOVENIAN MINORITY IN AUSTRIA, AND THE AUSTRIAN GOVERNMENT IS FULLY AWARE OF THE US INTEREST IN SEEING A SATISFACTORY RESOLUTION OF THAT PROBLEM. RECENT LEGISLATION CONCERNING BILINGUAL ROAD SIGNS, ETC. WHICH AUSTRIA IS IN THE PROCESS OF IMPLEMENTING, IS THE RESULT OF DIFFICULT AND PROTRACTED NEGOTIATIONS AMONG THE AUSTRIAN GROUPS AND POLITICAL PARTIES CONCERNED. THE SLOVENE MINORITY GROUP (WHICH NUMBERS ROUGHLY 20,000) IS OPPOSED TO THIS LEGISLATION, ARGUING THAT ARRANGEMENTS REGARDING BILINGUAL ROAD SIGNS ETC. SHOULD BE BASED ON HISTORICAL RATHER THAN PRESENT SLOVENE POPULATION DISTRIBUTION FIGURES. IT IS NOT ADVISABLE FOR THE US TO TAKE A POSITION IN THIS DEBATE OR TO ATTEMPT TO IMPOSE A SOLUTION.

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ION. HOWEVER, IF THE AUSTRIAN GOVERNMENT'S EFFORTS TO RESOLVE THE PROBLEM DO NOT SHOW EVIDENCE OF SIGNIFICANT PROGRESS OVER THE COURSE OF THE NEXT YEAR, WE WILL HAVE TO CONSIDER WHETHER OR NOT TO ENCOURAGE AUSTRIA TO ATTEMPT A SOLUTION MORE GENEROUS TO THE SLOVENE MINORITY. WE DO NOT CONSIDER IT LIKELY THAT YUGOSLAVIA OR AUSTRIA WILL INVOKE ARTICLE 35 OF THE AUSTRIAN STATE TREATY CALLING FOR FOUR POWER (US, UK, FRANCE AND USSR) CONSULTATIONS ON THIS PROBLEM.

(2) THE AUSTRIAN GOVERNMENT AND PEOPLE HAVE WELCOMED AND STRONGLY SUPPORTED THE CARTER ADMINISTRATION'S COMMITMENT TO HUMAN RIGHTS. CHANCELLOR KREISKY IS A LEADING ADVOCATE OF HUMAN RIGHTS, AN OUTSPOKEN CRITIC OF HUMAN RIGHTS VIOLATIONS, AND CHAMPIONS THE CAUSE OF EASTERN EUROPEAN DISSIDENTS. HE IS ALSO, HOWEVER, A FIRM BELIEVER IN THE ADVANTAGES OF "QUIET DIPLOMACY" AND HAS USED THIS APPROACH IN FACILITATING EMIGRATION OF EASTERN EUROPEANS TO AUSTRIA AND THE WEST.

(3) AUSTRIA CAN BE EXPECTED TO CONTINUE ITS POLICY IN SUPPORT OF HUMAN RIGHTS AND ITS EFFORTS TO IMPROVE THE RIGHTS OF MINORITIES IN AUSTRIA.

(4) AUSTRIA WILL BE SUPPORTIVE OF THE US OBJECTIVE TO PROMOTE HUMAN RIGHTS THROUGH INTERNATIONAL ORGANIZATIONS,

BUT IT WILL WISH TO BE CONSULTED ON SPECIFIC ACTIONS CONTEMPLATED.

(5) AUSTRIA ATTACHES GREAT IMPORTANCE TO CSCE BASKET III

DISCUSSIONS ON HUMAN RIGHTS, BUT IT BELIEVES BASKET I AND
ESPECIALLY BASKET II SHOULD ALSO RECEIVE SERIOUS ATTENTION
AT BELGRADE. END TEXT
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